

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 4
FOR THE REGULAR MEETING OF
TUESDAY, MAY 11, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, DISCUSSION, HEARING

NOTICED HEARING:

ITEM-S500: Three actions related to Proposed Rezonings to Remove Areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

(Continued from the meeting of May 4, 2004, Item 330, at the request of the City Council and City Manager to give the City Attorney and staff an opportunity to revise the Ordinances as directed.)

Matter of approving, conditionally approving, modifying or denying proposed rezonings to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.

(See City Manager Report CMR-04-060. All Community Plan Areas. Districts-All.)

NOTE: Hearing Open. Testimony taken on May 4, 2004.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-S500: (Continued)

TODAY'S ACTIONS ARE:

Introduce the ordinances in subitem A and B; and adopt the resolution in subitem C:

Subitem-A: (O-2004-119 Cor. Copy 2)

Introduction of an Ordinance deleting property located in the City of San Diego from the Residential Tandem Parking Overlay Zone as defined in Chapter 13, Article 2, Division 9, of the San Diego Municipal Code and the transit area overlay zone as defined in Chapter 13, Article 2, Division 10 of the San Diego Municipal Code, and repealing Ordinance No. O-18911 (New Series), adopted January 9, 2001.

Subitem-B: (O-2004-118 Cor. Copy 2)

Introduction of an Ordinance amending Chapter 13, Article 2, Division 9, by amending Section 132.0902; and Chapter 13, Article 2, Division 10, by amending Section 132.1002, pertaining to the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone, respectively.

Subitem-C: (R-2004-1198)

Adoption of a Resolution certifying that the information contained in the final Land Development EIR, File No. 96-0333, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of transit area and residential tandem parking overlay zones;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-S500: (Continued)

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 06/04/03, LU&H voted 4-0 to direct the City Manager to move expeditiously to bring the issue of rescinding or amending the Transit Area Overlay Zone and Residential Tandem Parking Overlay boundaries to City Council, as previously approved by the Land Use and Housing Committee on September 4, 2002. (Councilmembers Peters, Atkins, Lewis, Frye voted yea. Councilmember Zucchet not present.)

OTHER RECOMMENDATIONS:

Planning Commission on October 16, 2003 voted 7-0 to approve; was opposition.

Ayes: Lettieri, Brown, Chase, Garcia, Ontai, Schultz and Steele.

This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

On January 22, 2002, and again on July 23, 2002, the Community Planners Committee voted recommended the rescission of the January 2001 amendments to the Transit Area Overlay Zone and the Residential Tandem Parking Overlay Zone.

Clairemont-Mesa Planning Committee
Encanto Neighborhoods Community Planning Group

SUPPORTING INFORMATION:

In January 2001, the City Council approved amendments to the Transit Overlay Zone (TAOZ) and Residential Tandem Parking Overlay Zone (RTPOZ) as part of the Second Update to the Land Development Code. In January 2002, the Community Planners Committee (CPC) adopted a resolution addressing their belief that these overlay zones were illegally adopted and that inappropriate standards were used, and requested that the Land Use and Housing Committee (LU&H) take several actions related to these amendments.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-S500: (Continued)

SUPPORTING INFORMATION: (Continued)

On June 12, 2002, LU&H continued the item and asked staff to return on September 4, 2002, with further analysis on the consistency of the overlay zones with the community plans and where these overlay zones should be applied. LU&H also directed staff to take the issue back to CPC prior to their September 2002 meeting. On July 23, 2002, CPC heard the item and reiterated their previous concerns. They also requested that the overlay zone amendments be rescinded and that a new process be established to revise these zones. Staff returned to LU&H on September 4, 2002, with an information report detailing the application of the TAOZ/RTPOZ and its relation to the community plans and the draft Strategic Framework analysis and recommendations.

On June 4, 2003, LU&H recommended that the amendment or repeal of the overlay zones be added to the Land Development Code Update Fiscal Year 2003 Work Program. Due to staff constraints during Fiscal Year 2003 this issue was carried over into this fiscal year's work program.

Most recently, the Planning Commission reviewed the proposed project, on October 16, 2003, and recommended that the City Council deny the request and direct staff to include review of these overlay zones as part of the Mobility Element. The Planning Commission also directed staff to bring this item to the Manager's Parking Task Force for their input and stipulated that during review of these issues under the Mobility Element, staff should consider transit locations, the relationship between transit and land use, keeping affected community groups involved and that regional implications and implementation be a consideration.

This proposal was presented to the Manager's Parking Task Force on November 17, 2003, as an information item.

FISCAL IMPACT:

Staff was directed to work on this item as part of the Land Development Code Implementation work program for Fiscal Year 2004 by the Land Use and Housing Committee as its meeting on July 23, 2004 (CMR No. 03-168). The staffing costs and fiscal impact to prepare the proposed regulations are part of the Land Development Code Implementation work program.

Ewell/Christiansen/SDD